

EXHIBIT 3

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Via Email and Facsimile Transmission: 858-678-5099

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Re: HyperPhrase v. Google, Civ. Action No. 06 C 0199 S (W.D. Wisc.)

Dear Jason:

I have been in a Pretrial Conference in San Francisco. I received Google's proposed motion to amend. HyperPhrase will not agree to the motion for several reasons. By way of example, the new fifth affirmative defense proposed by Google comes too late in this lawsuit; there is no reason Google could not have sought this amendment years ago. With trial less than 3 months away, it is too late for an additional new defense. Additionally, Google's amendment exceeds the scope of the remand. Accordingly, HyperPhrase cannot agree to the amendment proposed by Google.

Sincerely,



Sally Wiggins

SW/amr